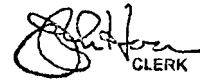


UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH DAKOTA  
SOUTHERN DIVISION

**FILED**  
SEP 05 2008

  
CLERK

\*\*\*\*\*

DONALD V. ARCHAMBAULT,

CIV 08-4132

Petitioner,

-vs-

ORDER

UNITED STATES OF AMERICA,

Respondent.

\*\*\*\*\*

Petitioner, Donald V. Archambault, an inmate at the Terre Haute F.C.I., has filed a Motion to Vacate, Correct or Set Aside Sentence pursuant to 28 U.S.C. § 2255. The Motion does not conclusively show that Petitioner is entitled to no relief. Petitioner has also filed an Application to Proceed Without Prepayment of Fees and Affidavit, Doc. 35, which the Court construes as a request to proceed *in forma pauperis*. Accordingly,

IT IS ORDERED:

- (1) that the Clerk shall serve a copy of the Motion and a copy of this Order upon the United States Attorney for the District of South Dakota; and
- (2) that the Government shall file its Response to the Motion within 20 days from the date of service of the Motion and this Order.
- (3) that the request to proceed *in forma pauperis*, Doc. 35, is GRANTED.

Dated this 5<sup>th</sup> day of September, 2008.

BY THE COURT:

A handwritten signature in cursive script, appearing to read "Lawrence L. Piersol", written over a horizontal line.

Lawrence L. Piersol

United States District Judge

ATTEST:

JOSEPH HAAS, CLERK

BY: Shelly Margulies  
(SEAL) DEPUTY